

S.B. CIVIL WRIT PETITION NO.2178/2005

State of Rajasthan and anr. Vs. Guljari Lal and anr.

Date : 21.4.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. O.P. Rathi, Dy.GA, for the petitioners.

Mr. H.Chaudhary, for the respondent no.1

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Heard learned counsel for the parties.

The writ petition deserves to be dismissed solely on the ground of inordinate delay in filing the writ petition as the original order was passed by the Board of Revenue on 12.9.1997 and the review petition against the same was dismissed on 8.4.1999 whereas the petitioner preferred writ petition on 7.4.2004 after five years that too without explaining the delay.

Not only above but according to learned counsel for the respondent no.1, the respondent no.1 died in the year 1997 itself and, thereafter, the writ petition has been filed against a dead person.

In view of the above reasons and in view of the fact that the Board of Revenue, as a matter of fact, decided that the alienation of the property can be recognized and, therefore, the land alienated cannot be included in the

land of assessee, which is a pure question of fact, this Court is not inclined to interfere in the impugned orders.

Accordingly, this writ petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya